UNITED NATIONS **A**

General Assembly

Distr.
LIMITED

A/CONF.164/L.8
17 June 1993

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
New York, 12-30 July 1993

LETTER DATED 14 JUNE 1993 FROM THE DIRECTOR-GENERAL, FISHERIES, COMMISSION OF THE EUROPEAN COMMUNITIES, ADDRESSED TO THE CHAIRMAN OF THE CONFERENCE

Please find enclosed a statement outlining the position of the European Economic Community for the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. This position statement is drafted in the form of recommendations which are aimed at improving fishing cooperation among States as reflected in the mandate of this Conference (para. 2 of General Assembly resolution 47/192). In the Community's view, the results of the Conference, which should be fully consistent with the provisions of the United Nations Convention on the Law of the Sea, should be formulated as recommendations or declarations which may be approved by the General Assembly of the United Nations.

I would be grateful to you if the Community's position statement could be translated and circulated, together with this letter, to all delegations in advance of the July session of the Conference. I can assure you that we approach this session in a spirit of cooperation and that we will make the best endeavour to contribute towards a successful outcome of this Conference. In this respect I also wish to inform you that the Community intends to participate in the voluntary fund for the purpose of assisting developing countries to participate in the Conference.

(Signed) J. ALMEIDA SERRA
Director-General

Annex

POSITION STATEMENT SUBMITTED BY THE EUROPEAN ECONOMIC COMMUNITY

The European Economic Community (EEC) proposes that the nature of the outcome of the Conference should be a set of realistic and technically applicable recommendations on establishing, improving or extending cooperation for the conservation and management of straddling fish stocks and highly migratory fish stocks. These recommendations, which have to be fully consistent with the provisions of the United Nations Convention on the Law of the Sea should be equally comprehensible for the fishermen and all other parties concerned.

As straddling stocks and highly migratory species are migratory both inside and outside the areas under fisheries jurisdiction of the coastal States and since the individual fish stocks have to be considered as a biological unit, the recommendations which may be laid down should furthermore guarantee the mutual interest of all States and in particular of the coastal States and those engaged in distant-water-fishing.

The EEC further proposes that the Conference consider the following recommendations within four main chapter headings:

I. CONSERVATION AND MANAGEMENT

1. Each conservation and management system of living marine resources, including straddling stocks and highly migratory species, has to be conceived in such a way as to allow a rational and sustainable utilization. The utilization of marine resources has to be envisaged within its long-term development and has to take account of the economic activities connected with their utilization. The concept of maximum sustainable yield remains one of the valid reference points for management.

2. Similarly, fisheries management has to pay due regard to the concept of responsible fishing, in harmony with the environment. To this end, and in particular with regard to straddling stocks and highly migratory species, it is necessary that resource management be based on the principle of the unity of the stock within the totality of its distribution area and take account of all fishing methods.

3. All management measures should be based on the best scientific advice available and should take account of the analysis of the levels of acceptable uncertainty when taking management decisions.

4. The measures of precautionary management taken in the absence of sufficient scientific data should avoid unnecessary moratoriums on fishing activities. This principle has to take account of the fishing activities safeguarding the biodiversity and/or of the alarming levels concerning a stock or group of stocks. All the fishing activities subject to the principle of precautionary management should be subject

to continuous and detailed monitoring. The precautionary management measures should be revised or revoked if new scientific information indicates that the principle of precautionary management should not necessarily be maintained.

5. All management measures should equally take account of the analysis of the entirety of the variables, outside the fishing activities, whether or not they be of anthropogenic origin, which may contribute to modifying distribution and the abundance of fish stocks. Close attention should be paid to the effects of climatic, oceanic and environmental changes.

6. Scientific research should be the basis for any rational resource management measure. Taking account of all the interdependences of the species and the environment, the multi-specific approach of fisheries research, established inside international organizations or inside other competent authorities, should be encouraged. The statistical data concerning the fishing activities, as well as their quality and their availability for scientific purposes, should constitute the basis for any correct evaluation of fish stocks. In this connection, data concerning catches, including by-catches, the effort and other relevant biological information, should be collected by the international fisheries organizations concerned.

7. Close attention should also be paid to aspects relating to discards and to incidental catches. The development of more selective methods of fishing, as well as the promotion of their use, should constitute research priorities in order to improve selectivity of fishing gear and to develop targeted fisheries by minimizing the waste caused by discards and unwanted catches, in particular of species protected by international conventions.

II. REGIONAL AND SUBREGIONAL ORGANIZATIONS

1. The conservation and management rules concerning the exploitation of straddling stocks and highly migratory species should, in geographical areas where that proves necessary, be developed within a framework of international cooperation, with the participation of all the parties concerned and within regional or subregional organizations. In the absence of a competent international body for resource management in a given region, all necessary efforts should be undertaken to create one. Cooperation is also necessary whenever there is no international organization competent for the management of these resources.

2. International cooperation must constitute one of the foundation-stones for the management of straddling stocks and highly migratory species. To this end, States should adopt effective measures within a bilateral or multilateral cooperation framework and at the most suitable geographical level, in order to ensure the establishment of management programmes which are always in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea.

3. The objective of conservation requires that the measures taken should be aimed at establishing a "concordance" between those applicable within the area of national jurisdiction and those applicable in the adjacent area while respecting the rights of all the parties concerned. However, the measures are governed by different legal systems and so "concordance" does not simply mean the alignment of measures to be taken in international waters with those taken by the coastal State in its exclusive zone. What is required is definition of a coherent conservation policy in the two areas. Fisheries in the adjacent area remain fisheries on the high seas subject to the relevant rules in the Convention.

4. International management measures must be conceived in such a way as to be applied effectively. Flag States are responsible for applying the management measures recommended by the competent international organizations.

5. Statistics, research, monitoring, surveillance, control and specific dispute settlement procedures would form part of the regional institutional structures.

6. Fishing by non-contracting parties has become preoccupying and calls for appropriate solutions. Only those States which cooperate in the decision-making at the regional or subregional level or are willing to bear responsibility for those decisions directed towards the conservation and management regime should fish for the regulated species in the specified area. In this context non-contracting parties should be invited to join the relevant international fisheries organizations.

III. MONITORING, SURVEILLANCE AND CONTROL

1. Conservation and management measures should be effectively applied. The flag State should ensure that its vessels respect internationally agreed conservation and management measures.

2. A system of fishing licences attached to a vessel authorized to fish on the high seas, issued and managed by the flag State, may contribute to improved regulation of exploitation and transparency. Such a system of licences, together with a record of such fishing vessels established by the flag State, could equally be used to prevent flagging of fishing vessels for the purpose of avoiding compliance with international conservation and management measures.

3. Control arrangements should be developed whose implementation would, in order to ensure this effectiveness, remain the responsibility of the States concerned.

4. Fishing vessels and fishing gear should be marked for identification purposes as appropriate in accordance with general standard.

IV. TECHNICAL COOPERATION

1. States, with the support of global, regional or subregional organizations, as appropriate, should cooperate and contribute financially in statistics and in bio-economic research programmes, resource evaluation, environment and improved selectivity of fishing gear.

2. The ability of developing countries to fulfil the conservation and management objectives is dependent upon their capabilities, including the financial, scientific and technological means at their disposal. Adequate financial, scientific and technological cooperation should be provided to support action by them to implement these objectives.